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In re Application of	:	
Christopher John Andrew BARNARDO, et al.	:	
Application No.: 10/019,991	:	DECISION
PCT No.: PCT/EP00/04652	:	ON PETITION
Int. Filing Date: 22 May 2000	:	UNDER 27 CFR 1.182
Priority Date: 20 May 1999	:	
Attorney Docket No.: DHN/319/PC/US	:	
For: ELECTROLUMINESCENT DISPLAY	:	

This decision is in response to the "REQUEST TO RECONSIDER AND RESCIND NOTICE OF ABANDONMENT, OR IN THE ALTERNATIVE, PETITION TO REVIVE ABANDONED PATENT APPLICATION AND REQUEST FOR FILING FEE CREDIT OR REFUND" filed 08 April 2002 in the above-captioned application.

BACKGROUND

On 22 May 2000, applicants filed international application PCT/EP00/04652, which claimed priority of an earlier British application filed 20 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee to enter the national stage in the United States expired at midnight on 20 November 2001.

On 20 November 2001, applicants filed papers for entry into the national stage in the United States under 35 U.S.C. 371. Filed with the Transmittal Letter were, inter alia, the requisite basic national fee and the description and claims as required by 35 U.S.C. 371(c)(1) and (2). However, the Transmittal Letter erroneously identified the international application as PCT/EP00/04270.

On 09 January 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909), which informed applicants that the application became abandoned as to the United States because "Applicant has failed to provide the Copy of the International Application by 30 months...".

On 18 June 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notice of Cancellation of Assigned Serial Number (Form PCT/DO/EO/908), informing applicants that the national stage of PCT/EP00/004270 had been assigned serial number 09/979,291. As a result, all the papers filed 20 November 2001 have been matched with serial number 09/979,291.

On 08 April 2002, applicants filed the present petition confirming the clerical mistake made in the Transmittal Letter with regard to the identification of the international application. Applicants petition the Office either to rescind the Notice of Abandonment, or, in the alternative, to revive the application.

DISCUSSION

A review of the application file reveals that the description and claims for PCT/EP00/04652 were submitted on 20 November 2001. Accordingly, the Notification of Abandonment of 09 January 2002 was mailed in error and is hereby VACATED.

A further review of the application papers submitted 20 November 2001 reveals that the cover letter submitting the national stage papers improperly identified the international application as PCT/EP00/04270, and therefore, caused the Office to issue the Form PCT/DO/EO/908 of 18 June 2002 and to match the papers filed 20 November 2001 with serial number 09/979,291, which is the national stage application of PCT/EP00/04270.

Since all the application papers submitted 20 November 2001, except for the cover letter, reference the correct PCT application number, namely PCT/EP00/04652, and, as pointed out by applicants, the error in the indication of the international application number is an applicant-initiated error, applicants' request to accept the application is granted in view of the fact that, although the PCT number was erroneous, the title of the invention, the inventors' names, the International Filing Date all matched the correct international application, namely PCT/EP00/04652. Applicants' request has been treated as a petition under 37 CFR 1.182 to correct the PCT application identified on the cover letter of 20 November 2001 from PCT/EP00/04270 to PCT/EP00/04652 and to re-assign serial number 10/019,991 to the present application.

Applicants are hereby notified that the \$130.00 petition fee required under 37 CFR 1.17(h) has been charged to Deposit Account No. 16-2563 as authorized in the petition.

DECISION

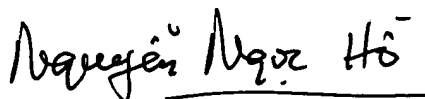
In view of the discussion above, the petition under 37 CFR 1.182 is GRANTED. Applicants should use serial number 10/019,991 for all future correspondence pertaining to the national stage of international application PCT/EP00/04652.

The application is being returned to the DO/EO/US for further processing.



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